

REMARKS

Claims 2-4, 6, 12-14, 16-20, 23-27, 29, and 30 are pending in the present application. Claims 2, 12, and 17 have been amended. Claims 2, 12, and 17 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the above amendments and the following remarks.

Rejection Under 35 U.S.C. § 103

Claims 2-4, 6, 12-14, 16-20, 23-27, 29, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,850,470 to Kung et al. (hereafter “Kung”) in view of U.S. Patent No. 6,823,080 to Iijima et al. (hereafter “Iijima”). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

MPEP § 2143.03 sets forth the following requirement for a proper rejection under 35 U.S.C. § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.
In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Applicant respectfully submits that Kung and Iijima, taken separately or in combination, fails to teach or suggest every element recited in the claims.

As amended, independent claims 2, 12, and 17 recite extracting data of first and second aimed objects from each of a plurality of images. These amended claims also recite selecting a desired aimed object of the first aimed object for a *first* image, selecting a desired aimed object of the second aimed object for a *second* image, and compositing the desired objects extracted from the first and second images, respectively, to form a composite image containing both desired objects.

Accordingly, the claimed invention combines selected instances of different aimed objects, which are extracted from *different images*, to form a *single* composite image. Due to this

feature, the claimed invention is capable of generating a single image in which every aimed object satisfies a desired condition, even though the aimed objects only satisfy the desired condition in different photographed images.

In the rejection, the Examiner relies on Kung's description of the facial feature extractor 22 to teach the claimed compositing of desired aimed object to form a composite image (see Office Action at page 1, 3rd paragraph, citing col. 4, lines 55-64 of Kung). However, Kung's facial feature extractor 22 merely processes a *single* image -- it does not combine data from *two different* images to form a single composite image, as claimed. Thus, Kung fails to teach or suggest the claimed compositing. It is respectfully submitted that Iijima fails to remedy the aforementioned deficiency of Kung. Accordingly, Kung and Iijima, when taken separately or in combination, fail to teach or suggest every claimed element.

Further, in response to the Examiner's assertion that "aimed objects" and "desire[d] aimed objects" are considered as the same, they have been even more clearly distinguished by above claim amendments.

At least for the reasons set forth above, Applicants respectfully submit that independent claims 2, 12, and 17 are in condition for allowance. Accordingly, claims 3, 4, 6, 13, 14, 16, 18-20, 23-27, 29, and 30 are allowable at least by virtue of their dependency on claims 2, 12, and 17. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Conclusion

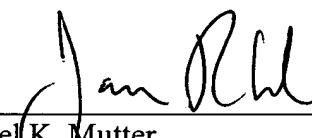
In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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